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Councilman

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August 23, 2020

Ms. Sarah G. Taylor
Legislative Director
301 King Street
Alexandria, VA 22314

Dear Ms. Taylor,

On June 9, 2020, City Council unanimously adopted Resolution 2950, "Establishing a Community Police Review Board and Condemning System Racism." Since the passage of this resolution, I have been conducting research on community police boards throughout the nation. I have also engaged with community members to solicit feedback on their expectations for Alexandria's Community Police Review Board.

To date, I have held meetings with the following community members:

- Members of the Human Rights Commission
- Alexandria NAACP
- Arlington NAACP
- Fairfax NAACP
- The Northern Virginia Black Attorneys Association
- Grassroots Alexandria
- Tenants and Workers

Additionally, on July 11, I hosted a "Community Police Review Board Town Hall" for the public. For your review, I have attached my research along with my presentation. The feedback and suggestions that I have received from the community have been incorporated into the 'Considerations' section of the attached document.

I thank you for reviewing this and look forward to hearing back from you. Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Seifeldein".

Mohamed Seifeldein

cc: Mr. Mark Jinks, City Manager
Ms. Joanna Anderson, City Attorney
The Honorable Mayor and Honorable Members of City Council

OFFICE OF COUNCILMAN MOHAMED E. “MO” SEIFELDEIN
COMMUNITY POLICE
REVIEW BOARDS
JULY 2020

Please note:

The contents of this document are highly confidential and should not be discussed with anyone, even in a general setting, prior to its disclosure to the public by the Office of Councilman Mohamed E. “Mo” Seifeldein.

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Introduction:

Over the last several decades, repeated issues of trust, accountability, and transparency have moved to the forefront of the relationship between community and police. Instances of police brutality and illegal conduct against Black and Brown members of the community, have surfaced to dominate the conversation of policing in modern America. However, this pattern of violent abuse towards the Black and Brown community is not an aberration or distortion of policing, it is constituted in its foundation. To mitigate this, greater oversight functions were introduced in tandem with organizational mechanisms dedicated to reviewing and improving police conduct. These mechanisms have materialized in many forms with a mutual aspect of civilian oriented oversight of law enforcement. Referred to by any number of varying titles: civilian oversight, civilian review, external review and citizen review boards the core function is the utilization of civilians to review abuses of police conduct.¹

Implementation across different jurisdictions has spawned various iterations of civilian oversight and review. In some cases, jurisdictions accomplished this through oversight practitioners, either paid or volunteer, to review, audit, and monitor complaint investigations conducted by police internal affairs investigators. In others, civilians have been ceded the authority to conduct independent investigations of allegations against sworn officers. Oversight has also been established by the combining elements of investigation with authorization capabilities of police policies, practices, and training. The broad, sweeping goals of civilian oversight programs are misconduct deterrence, increased transparency, improved public trust, an accessible complaint process, and fair, thorough investigations.

As aforementioned, there are many configurations of oversight boards with a general lack of consistency but shared characteristics of variable components. This manifests in variations of organizational structure, differences in organizational authority, and commonality of hybridization. Variations in organizational structure range from civilian oversight agencies composed entirely of community volunteers to paid staff members with oversight agencies operating without a budget, while others operate with multimillion dollar budgets. Differences in organizational authority relate to the role oversight entities play in complaint intake, the complaint review process, as well as their access to police records, and their ability to make recommendations regarding discipline or policy. Whereas the commonality of hybridization acknowledges that most oversight agencies apply and combine different forms and types of organizations authority. These three elements relay the flexibility and case by case determination of each implemented oversight body.²

Based on a study of different examples of civilian review models, the formation and general composition of review boards is determined by the government body that oversees the operation of the related Police Department. In most cases, the members appointed will reflect the diversity of the community and the respective community/civilian organizations. It also appears that most boards will be expected to be composed of some minimum number of individuals with prior experience in law enforcement and engagement in community operations.

The levels of power and authority are dependent upon the model chosen by the overarching authority of the jurisdiction. The core power and authority of these oversight agencies is within their review of internal affairs investigation, conduct of independent investigation, report of policy recommendations, access to records, and holding of informational hearings. However, the authority of each agency corresponds to the model employed.

Investigations are primarily focused upon abuses of authority and serious misconduct such as extreme cases of unnecessary force and police brutality to use of discriminatory language.

¹ [Civilian Oversight of Law Enforcement, National Association for Civilian Oversight of Law Enforcement, Page 3.](#)

² [Civilian Oversight of Law Enforcement, National Association for Civilian Oversight of Law Enforcement, Page 6.](#)

The operations of civilian oversight agencies do maintain close collaboration with the Police Department: requiring access to complaints and complainants, Internal Affairs records and investigative summaries, etc. This collaboration is also predicated upon the acceptance and consideration of any findings by oversight agencies' by the Police Department, which may lead to official implementation.

Each model type has its own list of strengths and weaknesses, experiencing both successes and failures. In a study conducted by the National Association for Civilian Oversight of Law Enforcement, agencies were grouped based on their role in the complaint process, as well as by their organizational structure.

The three categories are as follows:

- investigative-focused
- review-focused, and
- auditor/monitor-focused.

Additionally, oversight agencies can be organized into the following four categories.³

Type 1: Citizens investigate allegations of police misconduct and recommend their findings to the chief or sheriff.

Type 2: Police Officers investigate allegations and develop findings; citizens review and recommend that the chief or sheriff approve or reject the findings.

Type 3: Complainants may appeal findings established by the police or sheriff's department to citizens, who review them and then recommend their own findings to the chief or sheriff.

Type 4: An auditor investigates the process by which the police or sheriff's department accepts and investigates complaints and reports on the thoroughness and fairness of the process to the department and the public.

For the sake of simplification, we will compare them as the three types initially expressed above.

Investigative-Focused Model

The key characteristics of the investigative-focused model includes routine conduction of independent investigations into complaints against police officers, replacement/duplication of internal affairs process, staffed by civilian investigators. With this investigative-focused approach, there may be a reduced bias in investigations into citizen complaints, as there are full time civilian investigators with specialized training. Through this qualified investigation, public faith in the integrity of the process of complaint investigation will be solidified. Due to the specialized training of the investigators, the experience and success of investigations grows as the organization matures over time. With sufficient resources, personnel, and the utilization of civilian staff in fact finding investigations, the community may be fully reassured of an unbiased perspective. The drawbacks of this model is that it is the most expensive and complex civilian oversight system, with strong resistance from police personnel as a result of its independent status, which could impede the functionality. This resistance is mainly tied up in disbelief that a civilian review can understand the complexities of police work.

Review-Focused Model:

The key characteristics of a review-focused model is a review of completed police internal affairs investigation, offering recommendations to police executives regarding findings, requesting further investigation. Commonly headed by a review board of civilian volunteers, it may hold public meetings to collect community input and facilitate police-community communications. This model ensures community input into the complaint investigative process, an increase of public trust, and is generally the least expensive form of oversight. However these models of agencies tend to have limited authority and typically focus on individual cases. This narrow, reactionary approach

³ [Citizen Review of Police: Approaches and Implementation, National Institute of Justice Page 1.](#)

likely has implications of limited ability to promote large-scale systemic change, and many other examples of this model may not have the authority to systematically evaluate police policies or examine aggregate officer conduct. In many instances, review oversight agencies operate with less independence and are more likely to directly report to a police chief and rely on the budget of the police department for any support and training inevitably leading to conflicts of interest. Due to the board being composed of volunteers or limited paid staff, they may have less expertise and limited time to adequately perform oversight duties.

Auditor/Monitor Focused Model:

The key characteristics of an auditor/monitor-focused model is an examination of broader patterns in complaint investigations, including any relevant patterns in quality of investigations, findings, and discipline. Furthermore auditors/monitors may actively participate in or monitor open internal investigations, and seek to promote organizational change through systematic reviews of police policies and practices. This model is generally less expensive than the investigative-focused model, and more expensive than a review-focused model, may be more effective at promoting long term systemic change, and boasts more robust reporting practices.

Auditor/monitor-focused models tend to be granted greater access to police department records, and continue to track the result of their recommendations. The associated weaknesses of this model is an inability to compel law enforcement agencies to make changes, a dependence on the quality of the staff as it requires significant expertise in providing analysis, and this model may put the police auditor/monitor at odds with the community. This might occur based on the nature of the auditor/monitor role to evaluate and analyze aggregate patterns and not dwell on individual cases, regardless of how tense or high profile.⁴

The above paragraphs provide an overview of the different disciplines of civilian oversight models. The following section presents the prevalent systems that take shape and are represented among the case studies of this report.

In the creation of a civilian oversight board, it is not advisable to implement a strategy on the basis of best practice. Therefore simply selecting a model above will not guarantee the success of the agency. Rather the jurisdiction of Alexandria must work within their own idiosyncratic system and discover the best fit.

⁴ [Civilian Oversight of Law Enforcement, National Association for Civilian Oversight of Law Enforcement, Page 7-13.](#)

The following chart provides a comparison of the authorities of the three different review board approaches expressed above:

	Investigative-focused Agencies	Review-focused Agencies	Auditor/Monitor-focused Agencies
Receive Community Complaints	Frequently	Frequently	Frequently
Decide how a Complaint will be handled	Frequently	Rarely	Sometimes
Review Police Complaint Investigations	Sometimes	Frequently	Frequently
Conduct Independent Fact Finding Investigations	Frequently	Rarely	Sometimes
Perform Data-Driven Policy Evaluations	Sometimes	Sometimes	Frequently
Recommend Findings on Investigations	Frequently	Sometimes	Frequently
Recommend Discipline to Police Chief	Sometimes	Rarely	Sometimes
Attend Disciplinary Hearings	Sometimes	Rarely	Sometimes
Have a Board Composed of Community Members	Frequently	Frequently	Sometimes
Hear Appeals	Sometimes	Sometimes	Rarely
Have Paid Professional Staff	Frequently	Sometimes	Frequently
Staffing and Operational Costs	Most Expensive	Least Expensive	Intermediate Expense

Note: Based on data collected from 97 US oversight agencies, 2016

The subsequent case studies provide a closer look at community police review boards in neighboring jurisdictions, localities with large populations of historically disadvantaged community members, and jurisdictions with similar populations to Alexandria. Please note that as of 2018, around 150 jurisdictions in our nation implement the operation of community police review boards,⁵ with three of them being in Virginia.⁶

⁵ [Scholars Strategy Network. How Civilian Review Boards Can Further Police Accountability and Improve Community Relations.](#)

⁶ The following VA jurisdictions have established Police Review Board: [Fairfax County](#), [City of Charlottesville](#), and [City of Virginia Beach](#).

Case Study: Fairfax County, VA⁷

Police Civilian Review Panel⁸

Purpose

The mission of this panel is to enhance police legitimacy, to build and maintain trust between citizens of Fairfax County, Board of Supervisors, and Fairfax County Police Department by reviewing FCPD investigations into complaints containing allegations of abuse of authority or serious misconduct.

Meeting

In pursuing this agenda, the panel advises and provides recommendations following investigative review, conducting meetings on a by-complaint basis as often as necessary.

Budget

Staff time and operational costs specific to the Civilian Review Panel are approximately \$69,812 in FY 2019.

Membership

The panel is composed of nine members, residents of Fairfax County, with expertise and experience relevant to the panel's responsibilities. Appointed by the Board of Supervisors, the contributing factors of panel consideration are as follows: community and civic involvement, diversity, law enforcement and/or investigative experience, community reputation, geographical representation, and any other factors that help build a balanced panel that represents Fairfax County. Individuals that are current employees of Fairfax County, current or former employees of the Fairfax County Police Department or Fairfax County Sheriff's Office, or have any existing relations to employees of Fairfax County cannot be members of the panel. However at least one member of the panel shall have law enforcement experience. To assist in appointing a fully diverse panel, the Board of Supervisors invites organizations and individuals to nominate candidates.

Jurisdiction

The Panel has the jurisdiction to review complaints of abuse of authority or serious misconduct by a Fairfax County Police Officer. Abuse of authority or serious misconduct shall be defined by the panel in its bylaws. Panel's review is sixty (60) days following the completion of the internal investigation by the police department. The Panel also has the authority to retain a criminal investigative consultant to fulfill its responsibilities.

Complaint/Review Process

The Panel's complaint and review process follows the internal investigation of the Police Department. The Panel shall immediately forward an initial complaint to the FCPD investigation. The FCPD shall complete its investigation and provide an investigative report to the Panel within sixty (60) days. Once receiving the report of the completed internal investigation, the Panel may, at its discretion, schedule a public meeting to review the FCPD investigation. The Panel members, the Police Department Internal Affairs Office, the County Attorney's Office, and the Complainant will all be in attendance. The complainant shall have an opportunity to make a statement, while the relevant Police Department representatives will answer questions regarding the review by the panel. There are a few limitations: the statement of any officer required by the Department to give a statement under the provisions of *Garrity v. New Jersey*, 385 U.S. 493 (1967) will not be disclosed in public, however the Panel shall have confidential access to the entire statement, and the Panel can only deliberate in private regarding the improper

⁷ Please note that Fairfax County has two police oversight agencies: the Police Auditor and the Civilian Review Panel. Both of these will be expanded upon in this section.

⁸ [Fairfax County, Police Civilian Review Panel Bylaws.](#)

conduct of the officer.⁹ The Panel in its review will also have access to the personnel record of the officer, once having signed a Note of Confidentiality, and with the exception of the redacted information of juvenile infractions in accordance with the Code of Virginia. Panel's review is 60 days following the completion of the internal investigation by the police department. In the Panel's review, they shall either concur with the findings of the internal investigation, advise the Board of Supervisors that the findings are not supported by the information available to the FCPD and recommend further review and consideration by the Chief, or advise the Board of Supervisors that the investigation is incomplete and recommend additional investigation.

Panel Reports

The Panel will submit one annual report, including policy, training, and practices reform as well as general activities of the Panel and may schedule public meetings to deliberate upon recommended changes voiced by the greater community. The Panel may also meet periodically with the Independent Police Auditor concerning the findings and recommendations of the Auditor as to the use of force cases, providing the Panel's view to the Board of Supervisors and Chief of Police as to policy changes and practices that may be warranted.

Fiscal Impact

The Civilian Review Panel is to be supported primarily by the staff of the office of Independent Police Auditor. Other associated costs may include Police Department, County Attorney's Office, independent counsel, staff time and any required materials and supplies for the Panel.

Independent Police Auditor¹⁰

Purpose

The mission of the Independent Police Auditor is to bolster trust between the citizens of Fairfax County and the Fairfax County Police Department by providing accountability, fairness, and trust in the complaint system and investigative process. Also provides an intake venue for complaints. The Independent Police Auditor is appointed by the Board of Supervisors, and reports directly to the Board of Supervisors.

Budget

The Office of the Independent Police Auditor staffs three (3) people, its total expenditures adopted for FY 2020 amounting to \$328,198.

Duties¹¹

The Independent Police Auditor has several responsibilities:

- 1) Monitoring and reviewing internal investigations of Fairfax County Police Department officer-involved shootings, in-custody deaths and use of force cases in which an individual is killed or seriously injured
- 2) Monitoring and reviewing administrative investigations of public complaints of use of force
- 3) Issuing a public report for each reviewed internal/administrative investigation and producing annual reports of those reviews
- 4) Making public recommendations concerning revisions of Fairfax County Police Department policies, training and practices
- 5) Providing administrative support to the Fairfax County Police Civilian Review Panel and delivering the panel's annual report to the Board of Supervisors

⁹ [Panel Bylaws, Fairfax County, Pages. 10.](#)

¹⁰ [Annual Report, Fairfax County, Pages. 1-15.](#)

¹¹ [Independent Police Auditor, Fairfax County.](#)

Authority

The Auditor is mandated by the Board of Supervisors to monitor or review all investigations of death or serious injury cases conducted by the Internal Affairs Bureau of the FCPD and Use of Force investigations which are subject to a public complaint made to the FCPD or the Auditor.

Review/Reporting

Office of Individual Police Auditor (OIPA) periodically releases reports ranging from individual incident reports for each FCPD investigation monitored and reviewed by the Independent Police Auditor, annual reports summarizing OIPA activities and recommendations on FCPD policies, training, and practices, and additional reports on relevant issues examined by the Auditor, such as data review findings.

Case Study: Police Civilian Review Board, City of Charlottesville, VA¹²

Purpose

The goal of the Police Civilian Review Board is to provide objective and independent oversight of the Charlottesville Police Department in order to ensure transparency and trust, promote fair and effective policing, and protect the civil and constitutional rights of Charlottesville residents. The Board's creation in 2018 dissolved the previous Police Citizens Advisory Panel, as it did not have the staff or resources to properly carry out its mission, and the Panel relied on media reports and social media for information about police incidents rather than getting information from the Department.¹³

Budget

The Board's 2020, and first, budget is \$150,000. The cost goes towards personnel and operating expenses for this newly created office.¹⁴

Functions

The Board's objectives is as follows:

- Ensure that police officer act with integrity and treat every person with equal dignity;
- Empower and inspire self-governance and a culture of mutual respect;
- Seek social and racial justice;
- Engage in community outreach and amplify the voices of the socially, politically, and economically disenfranchised;
- Listen to and build cooperation between all stakeholders to find and develop common ground and public purpose;
- Champion just, equitable, and legitimate policing policies and practices; and
- Process complaints, review police practices and internal investigations, issue findings, write public reports, and make recommendations.

Membership

The Board is made up of 8 members.

- 3 residents must come from historically disadvantaged communities that have traditionally experienced disparate policing, or are residents of public housing;
- 3 additional residents who are not City employees, candidates for public office, former members of the Police Department, immediate family members of a current Police Department employee, or current law enforcement agency employee;
- 1 additional resident who represents an organization that seeks racial or social justice on behalf of historically disadvantaged communities; and
- 1 final non-voting member who has policing experience or expertise.

The Executive Director is appointed by the City Manager upon a majority vote by the City Council. The City Manager conducts an interview panel for finalists, and 2 members of the Board serve on the interview panel and make recommendations to the City Manager. The City Manager supervises and evaluates the Executive Director, and the Board can vote on holding a conference with the City Manager on discussing the Director's performance.

¹² [Charlottesville Police Civilian Review Board Bylaws. City of Charlottesville. Pages 1-3, 6-9, 10.](#)

¹³ [Charlottesville Plan for Police Oversight Board Advances. Associated Press.](#)

¹⁴ [Operating and Capital Improvement Budget. City of Charlottesville. Pg. 12.](#)

Members serve a 3 year term with a 2 term limit — maximum 6 years of service. Board members enjoy the protection of sovereign immunity. Training offered by the National Association for Criminal Oversight of Law Enforcement, or equivalent, is at least 8 hours. Additional training is provided by the Executive Director within 6 months of a member's appointment.

Complaint Intakes

A complaint must be in writing and delivered to the Executive Director. The complaint must contain:

- Identifying information of the complainant;
- Statement describing the reasons for the complaint;
- Specific police behavior of concern;
- Description of the incident in which the behavior occurred; and
- List of names, addresses, and phone number of witnesses and people with knowledge of the incident.

The Board must immediately forward the complaint to the Police Department for investigation, which will be reported back to the Board within 75 days. If the Department investigations results in unfounded, exonerated, or not resolved findings, the complainant may file a review request within 75 days. The Board may also initiate a Review Request, the investigation, if they receive written consent by the complainant.

Procedures

Upon receiving a Review Request, the Board will meet to discuss the request and schedule a hearing, and will then notify the Charlottesville Chief of Police. The Department will prepare a copy of the investigation file in subject and the City Attorney will review the file and redact any information related to a juvenile. The Department will also collect the officer's complaint history and any disciplinary action taken against said officer. The Board has access to material or evidence used by the Department during its internal investigation, unless the Chief of Police and City Attorney deem that the objects are part of an active criminal investigation. Board members must sign a confidentiality agreement before viewing the investigation files and disciplinary actions in which they agree to not discuss the contents of either document. The Board will have access to raw and aggregated data on timing, findings, and dispositions of the Department's internal investigations.

During the Review Request Hearing, the Board may not subpoena witnesses or evidence, nor take testimony under oath. The filer of the Request must state the reasons for the review and present any evidence or witnesses supporting their reasons. At the Hearing, a Department representative may present their findings during the investigation.

Within 30 days after the conclusion of the Review Request, the Board may:

- Concur the finding of the Department's investigation;
- Advise the City Manager that the Department's findings are not supported by the evidence reasonably available to the Department and make recommendations concerning disposition of the Request;
- Advise the City Manager that the Department's investigation is incomplete or unsatisfactory;
- Hold an investigation — if the Board still believes that an investigation is incomplete or unsatisfactory, they can make a finding to that effect.

The Board has no disciplinary authority and is merely advisory.

The Board may not review:

- Any complaint related to an incident that occurred before the Council's adoption of the by-laws (Nov. 4, 2019);
- Any complaint filed more than 1 year after the date of the incident in question;

- A Review Request filed more than 75 days after the date when the Department sent notice to the complainant that informs them of the completion of the internal investigation (unless the Board determines there's good cause to accept Request);
- A Review Request concerning matters related to a pending criminal trial proceeding, a pending or anticipated civil trial proceeding, or any City grievance proceeding including an appeal pursuant to the Virginia Law Enforcement Officers Procedural Guarantee Act; and
- Any portion of an internal investigation that is sustained.

Process

Person makes a complaint to the Board → Board hands off the complaint to the CPD → CPD does their own investigation → if the CPD's investigation results in unfounded, exoneration, or not resolved, the complainant (or the Board with the complainant's consent) may file a review request → the Board conducts their own investigation on the Department's internal investigation → Board makes a recommendation to CPD and City Manager

Case study: Investigation Review Panel, Virginia Beach, VA¹⁵

Purpose

The purpose of this panel is to investigate and review findings by the Internal Affairs Office of the Police Department that involve abuse of authority or other misconduct to determine whether the decisions are complete, accurate and factually supported. The panel also has power to make recommendations to the City Manager to reform or revise specific police department policies and procedures.

Definition

Examples of abuse of power and serious misconduct include the following:

- Deliberate application or use of unnecessary force,
- Unreasonable or excessive force
- Ethnic, racial, or sexual remarks or gestures
- Using weapons in a rude, careless, angry or threatening manner not necessary for self defense
- Unjustified use or display of force
- Unnecessary escalation of charges
- Reckless endangerment of detainee or person in custody
- Other serious violations of City or Police Department policies or procedures

Composition

The Panel consists of five members and two alternates that are appointed by the City Council, for a three year term. The members should all be residents of Virginia Beach, who are not employed by the City or are not officers of the City. They will be appointed based on their expertise and experience in the relevant fields. The Chairperson and Vice-Chairperson are chosen by the City Council or by a vote on the first meeting of the Panel. For any action to take place the Panel should hold public meetings before its decisions and any findings need to have a majority vote of at least three out of five members. The City Attorney or his/her designees shall be the legal advisor to the panel while the Department of Human Resources can provide administrative support.

Meeting

The Panel meets as often as need be to conduct its business; in 2019, they met once per month. Public notice of meetings shall be given by the Department of Human Resources at least 48 hours prior to the meeting.

Power and Authority

The Panel shall have review authority of any internal affairs office investigations of abuse of authority or other misconduct, with some exceptions such as:

- The body of the Panel refusing a request for review,
- If the complaint concerns matters that are pending in a criminal or civil proceeding, and
- If the complaints concerns discipline covered by the City's Disciplinary Policy and Procedure Grievance Procedure

The Panel will send a brochure and a request for review to the complainant stating the finding and the process of the review. The request for review should include the original complaint, the reason for request of review, and supporting evidence. Requests for review must be in writing and sent within 30 days after the investigative findings of the internal affairs office are sent to the complainant. The Panel shall conduct a hearing 45 days after receiving the complete Police Department investigative report. The complainant, at the hearing shall present supporting evidence and statements of the allegation as stated in the request for review. A representative from the Police

¹⁵ [Policy and Procedure. City of Virginia Beach.](#)

Department shall also make a statement on the findings of fact and review all the evidence collected including, witness statements. The Panel shall have a copy of all the relevant documents of the Internal Affairs Office file for the complaint, and the finding of the Internal Affairs Office, prior to the hearing.

The Panel may

- find that the finding of the Police Department investigation was complete and correct,
- that the findings are not supported by the information reasonably available to the Department,
- advise the City Manager that in its judgment the investigation is incomplete, or that the complaint is not appropriate for review by the Panel.

The Panel also has authority to recommend that the City Manager revises Department's policies and procedures. After the recommendation, the Panel will send a report, on or before January 31st to the City Council, this report will include the findings and the recommendation.

Case Study: City of Baltimore, MD -- Civilian Review Board¹⁶

Purpose

The Civilian Review Board of Baltimore is an independent agency through which members of the public can issue a complaint against officers of various law enforcement units. The Civilian Review Board takes complaints that allege the use of excessive force, abusive language, harassment, false arrest, and false imprisonment.

Jurisdiction

The Civilian Review Board handles complaints for the following law enforcement units:

- Baltimore City Police Department,
- Baltimore City School Police,
- Baltimore City Sheriff's Office,
- Baltimore Environmental Police,
- the Police Force of the Baltimore City Community College, and
- the Police Force of Morgan State.

Composition

The Civilian Review Board is composed of:

- 3 year members from each of the nine police districts in Baltimore. They are selected by the Mayor and subject to the advice and consent of the City Council.
- Also on the Commission as non voting members, there is one representative of the Fraternal Order of Police, one representative of the Vanguard Justice Society, the Baltimore City Police Commissioner or the Commissioner's designee, one representative of the American Civil Liberties Union of Maryland (ACLU), and one representative of the Baltimore City Branch of the National Association for the Advancement of Colored People (NAACP).

Each Board member shall receive extensive training on the issues of abusive language, false arrest, false imprisonment, harassment, and excessive force.

Budget

The Civilian Review Board of Baltimore City has an annual budget of \$556,000.

Meetings

The Civilian Review Board meets every third Tuesday of each month at 6 pm at the Office of Civil Rights and Wage Enforcement.

Duties

The duties of the Board include serving a community liaison, review all complaints alleging police misconduct as described in Subtitle 16 Baltimore City Code, investigate, simultaneously with Internal Investigative Division, each complaint and report findings to Internal Investigative Division, issue subpoenas to compel attendance and testimony of witness, make recommendations to head of appropriate law enforcement.¹⁷

Complaint Intake

Complaints must be filed within one year after the incident. Once a complaint is filed, the Internal Affairs Division receives a copy, and the Board officially has three options:

¹⁶ [Civilian Review Board, City of Baltimore.](#)

¹⁷ [Board Advertisement, City of Baltimore, Office of Civil Rights.](#)

- 1) Conduct its own investigation simultaneously with the Internal Affairs Divisions.
- 2) Not conduct its own investigation and wait to review the completed investigation of the Internal Affairs Division.
- 3) Choose not to investigate the complaint because it does not fall within the jurisdiction of the Civilian Review Board.

After investigation is complete, by either entity, the Board must review the investigation and make one of the following recommendations to the Police Commissioner:

- 1) Sustain the complaint (the Board finds the charges true, and the Police action was not justified);
- 2) Not Sustain the complaint (the Board does not find the charges to have been sufficiently proved);
- 3) Exonerate (the Board finds that the alleged act did occur, but was lawful, justified, and proper);
- 4) Find that the complaint is unfounded; or
- 5) Send it to the Internal Affairs Unit for further investigation.

The Police Commissioner makes the final decision after reviewing the Board's recommendation.

Case Study: Prince George's County, MD

Inspector General

Purpose

The purpose of the Office of the Inspector General is to provide strong, independent oversight of the Prince George's County Police Department and to prevent and detect fraud, waste, abuse and mismanagement in PGPD programs and operations.¹⁸

Citizen Complaint Oversight Panel¹⁹

Purpose

The purpose of the Panel is to ensure that the report and recommendation of the investigating unit are reasonable and appropriate under the circumstances.

Composition

The Panel consists of 7 citizen members appointed by the County Executive and confirmed by the County Council for a four year term. Members shall be residents of Prince George's County and broadly representative of the citizens of the county. No member shall be an employee of the County. Members shall be reimbursed for reasonable expenses at the rate of \$50/hr for meetings but no more than \$15,000/year. The County Executive shall designate a member to serve as the Chairperson of the Panel, and an Administrator who shall be an attorney who is a member of the Maryland Bar. The Chairperson shall designate five members of the Panel to review each complaint referred to the Panel. A quorum of four members of the Panel shall be required to conduct any business of the Panel.

Complaints

An individual may file a complaint with the chief of Police on a form provided by the Police Department. The complaint shall include the name of the complainant, the name of the law enforcement officer allegedly involved, and the place and time of the incident.

Powers and Duties²⁰

The Panel may review the complete internal affairs investigations upon receiving a complaint. No later than 30 days after the completion of the internal affairs investigation report, the Panel shall review the reports to ensure that the report is complete and impartial. The Panel can make one of the following conclusions;

- Sustained - if the preponderance of the evidence proves that the alleged acts occurred and that there was a violation of the Department's policy or procedures.
- Not sustained - if the evidence fails to prove or disprove that the alleged acts occurred.
- Proper conduct - if the evidence proves alleged acts but acts were justified, lawful, and proper.
- Unfounded - if the evidence proves that the alleged acts did not occur or that the accused officer was not involved.
- Panel Investigation - if the Panel finds that substantive issues have not been adequately or impartially addressed by the investigation of complaints by the Internal Affairs Division, the Panel may conduct its own investigation
- Remand to Chief of Police - the Panel may defer a complaint to the Chief of Police for further investigation or additional reports.

¹⁸ [Office of Inspector General City. Prince George's County.](#)

¹⁹ [Citizen Complaint Oversight Panel. Prince George's County.](#)

²⁰ [Duties and Powers. Ordinance Subdivision 3, Sec. 18-186.08. Prince George's County.](#)

The Panel shall base its conclusions and comments on the investigative reports but the Panel may conduct its own investigation independently from but concurrently with the internal affairs investigation. The Panel, by majority vote, may apply for issuance of a subpoena to the County Council to require any testimony, documents, and records regarding any investigation by the Panel. The Panel shall report its comments and conclusions in writing to the Chief Administrative Officer in each case. The Panel shall also make public annual reports of its activities including;

- Summary reports of case conclusions
- A statistical analysis of cases by type and disposition
- Discipline imposed
- Recommendations for policy changes
- Recruitment
- Supervision
- Operational procedures and training
- And any other information deemed appropriate

Case Study: Office of Police Complaints, District of Columbia²¹

Purpose

The purpose of the Office of Police Complaints (OPC) is an independent review of complaints by the public, against sworn members of the District of Columbia Metropolitan Police Department (MPD) and the District of Columbia Housing Authority Police Department (DCHAPD).

Composition

The office of police complaints board consists of five members. Four members shall have no current or previous affiliation with any law enforcement authority and one member shall be a member of MPD. All members shall serve a term of three years, and may be reappointed pursuant to D.C. Official Code § 5-1104(b).²² A quorum for the Board shall be three members. The Board shall meet as frequently as it deems necessary. All meetings must be recorded and the minutes shall be made available to the public unless it is exempt from disclosure under D.C. Official Code §2-534.²³

Power and Authority

OPC is headed by an Executive Director, who is appointed by the Board and will serve a term of three years. The Executive Director shall be an attorney and an active member in good standing of the D.C. bar. The Executive Director may employ persons to resolve particular cases, so long as none are employed or were employed by MPD or DCHAPD.

OPC may receive a complaint against a member of MPD or DCHAPD that alleges abuse or misuse of power. Under §2104.1²⁴ complaints of abuse or misuse of power include:

- Harassment
- Use of unnecessary or excessive force
- Use of language or conduct that is insulting, degrading, or humiliating.
- Discriminatory treatment based on a person's race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, physical handicap, matriculation, political affiliation, source of income, or place of residence or business.
- Retaliation against a person that previously filed a complaint or
- Failure to display or wear required identification or deny to identify oneself by name or badge number when requested to do so.

OPC has the sole authority to dismiss, conciliate, mediate, adjudicate, or refer for further action to MPD or DCHAPD a complaint received under §2104.1. If OPC does not have authority to review the complaint, the complaint will be referred to MPD or DCHAPD. However, OPC will have the power to audit the complaints referred to MPD or DCHAPD.

Filing complaints

A complaint may be filed by;

- An alleged victim
- Any individual that has knowledge of alleged police misconduct
- A parent or a legal guardian, or legal representative of either of those mentioned above.

²¹ [Notice of Final Rulemaking. District of Columbia.](#)

²² [Police Complaints Board. Code of the District of Columbia.](#)

²³ [Exemptions from Disclosure. Code of the District of Columbia.](#)

²⁴ [Notice of Final Rulemaking. District of Columbia. Pg. 4.](#)

A complaint must be filed within 90 days of the incident that is alleged. The Executive Director may extend the deadline for filing for good cause. The Executive Director shall screen each complaint and take one of the following actions.

- Dismiss the complaint if concurred by one other member of the board.
- Refer to the U.S. Attorney for D.C. for possible criminal prosecution.
- Attempt to conciliate the complaint, refer the complaint to mediation, or to investigation.
- Refer the complaint to MPD or DCHAPD for investigation, if outside the authority of OPC or for rapid resolution.
- Refer the subject officer/s to complete the appropriate policy training.

A complaint may be dismissed if it lacks merit, the complainant fails to cooperate with the investigation, or fails to participate in a mediation process in good faith.

Investigation

During the investigation process, the Executive Director may issue subpoenas under the Superior Court of the District of Columbia. At the conclusion of the investigation, the Chief Investigator shall forward the file with a report of investigation to the Executive Director. Then, the Executive Director shall take on of the following actions;

- Refer to a complaint examiner to determine whether a violation of D.C. Official Code §5-1107(a)²⁵ has occurred
- Dismiss the complaint if, the complaint lacks merit
- Direct investigator to undertake additional investigation
- Or any of the other actions mentioned in the Filing Complaints section above.

The complaint will be examined by the Complaint Examiner, who is chosen from people selected by the Executive Director and approved by the Board. The Complaint Examiner should be unbiased and shall not have any relationship with the parties, have a financial interest, or witness any material events relevant to the complaint. If the Examiner decides that an evidentiary hearing is necessary, then a preliminary hearing conference will be scheduled. The Complaint Examiner shall accomplish the following objectives at the preliminary hearing conference:

- Determine the authenticity of any documents
- Reach any stipulations of fact
- Determine the witness statements that should be added to the hearing record
- Set the time, date and location of the evidentiary hearing which shall occur 60 days after her/his assignment
- Determine whether a complaint could be resolved through mediation or conciliation, and begin that process.

Hearing Procedure

The Complaint Examiner shall notify the parties at least 20 days prior to the hearing. All hearings are open to the public, and OPC may assist in obtaining pro bono attorneys for those that may need it. The Hearing will be conducted in accordance to the following provisions:

- **Burden and standard of proof** - Complainant has the burden of proof, by a preponderance of the evidence that the alleged misconduct occurred.
- **Exhibits** - All evidence must be a true copy, and must be preserved by the Complaint Examiner. The evidence will be given to OPC at the end of the proceedings.
- **Rules of Evidence** - D.C. rules of evidence do not apply, instead all objections will be reserved in the record. However, evidence that is irrelevant, immaterial, or is unduly repetition shall be excluded.

²⁵ [Authority of the Office and Processing of Complaint. Code of the District of Columbia.](#)

After the hearing, the Complaint Examiner will deliver her/his findings about each allegation in the complaint within 30 days. If no allegation is sustained, then the complaint will be dismissed by the Executive Director, and all parties will be notified. If the Complaint Examiner finds that the allegations are sustained, then the Executive Director will notify the Chief of Police for appropriate action. OPC will also notify all parties of the decision, along with the merits of the determination. Unless they clearly misapprehend the record the findings of fact cannot be rejected by the Chief of Police. If the Chief of Police finds that the merits clearly apprehend the record and is not supported by substantial, reliable, and probative evidence, then he/she may request a review by the final review board within 45 days. The final review panel is made up of three Complaint Examiners selected by the Executive Director, excluding the Complaint Examiner that prepared the initial determination. Unless the review panel concludes the determination clearly apprehends the record and is not supported by substantial, reliable and probative evidence, it shall uphold the findings of the previous Complaint Examiner. If the findings are reversed the Executive Director will dismiss the complaint and notify the Chief of Police and the parties. If the findings are sustained the parties will be notified and the Chief of Police will receive a notice including the actions that need to be taken under §2122.4²⁶.

²⁶ [Notice of Final Rulemaking. District of Columbia. Page 19.](#)

Case Study: City of Chicago, IL²⁷

Civilian Office of Police Accountability²⁸

Purpose

COPA seeks to contribute to public safety by promoting quality and fair policing and police accountability. It performs the intake functions for all allegations of misconduct against the police department's employees, including allegations of excessive force, improper search or seizure, coercion, and more. They also investigate misconduct where there was no allegation made, including an officer's discharge of a firearm, discharge of a weapon that resulted in death or injury, and a death or injury while in police custody. COPA has the power to investigate patterns of any form of misconduct, and make policy recommendations to improve the police department. The Chief Administrator of COPA may investigate individual civil lawsuits and criminal proceedings involving alleged police misconduct in order to make policy proposals to ensure the misconduct does not continue.

Budget²⁹

Determined each fiscal year by the City Council, and cannot be less than 1% of the annual appropriation of all non-grants for the Police Department. For 2020, the minimum budget for COPA was \$16,966,014, and their actual budget is \$18,963,654.

Composition and Demographics³⁰

- 1 Chief Administrator
- 1 First Deputy
- 1 Chief of Staff
- 1 Public Information Officer
- 3 Chief Investigators
- 1 General Counsel
- 15 Supervising Investigators
- 15 Major Case (officer-involved death) Specialists
- 60 Investigators
- 2 Evidence Specialists
- 2 Digital Forensics Analysts
- 2 Data Entry Operators
- 2 Supervising Staff Attorneys
- 6 Attorneys
- 7 Paralegals
- 2 Data Analysts
- 1 Training Analyst
- 1 IT Manager
- 1 IT Specialists
- 1 Policy Analyst
- 7 Administrative Support Staff
- 2 Public Affairs Managers
- 2 Community Case Liaisons

²⁷ Please note that the City of Chicago has two police oversight agencies: the Civilian Office of Police Accountability and the Chicago Police Board. Both of these will be expanded upon in this section.

²⁸ [Civilian Office of Police Accountability Rules and Regulations, City of Chicago. Pages 1, 7, 9, 11, 18, 21, 24.](#)

²⁹ [2020 Budget Overview, City of Chicago. Pg. 123.](#)

³⁰ [Our People, City of Chicago.](#)

44% African-American; 42% White; 8% Hispanic; 2% Asian; 3% Unknown.
53% Female; 47% Male.

Investigations

The goal of COPA's investigations are to determine whether allegations made are well-founded, apply a preponderance of evidence standard, identify and address patterns of misconduct, and make policy recommendations based on the information obtained through the investigation.

In the early stages of the investigation, the Chief Administrator can recommend to the Superintendent of the Police Department that the officer in question should be restricted of their duties if:

- Continued police powers for the accused is a threat to the community; or
- COPA is likely to recommend that the officer's employment should be terminated.

COPA has the right to evidence including:

- Interviews with complainants, witnesses, and subjects;
- Relevant Department reports;
- Observations made at the scene of the incident;
- Canvass of a scene to identify witnesses and other relevant evidence;
- Analysis of digital evidence;
- Physical evidence; and
- Forensic analysis of evidence.

Only in investigations of officer-involved deaths will COPA seek collaboration with the Department. The investigation of the underlying criminal offense will be done by the Department, and the officer-involved death investigation will be done by COPA — the concurrent investigations will not interfere with one another.

COPA may reopen any previously closed investigations if:

- The Chief Administrator becomes aware of evidence not available at the time of the initial investigation that could affect the true result of the case;
- The Chief Administrator determines the investigation was a result of miscarriage of justice; or
- An audit of the investigation by the Deputy Inspector for Public Safety recommends that the investigation be reopened.

At the end of the investigation, COPA will prepare a Final Summary Report to present to the Department outlining the allegations, identifying which (if any) department rules have been violated, and a recommended finding regarding disciplinary or remedial action to be taken (if any). Disciplinary action includes the termination of the accused officer, whereas remedial action recommends additional training or reassignment. The Superintendent must respond within 60 days of the recommended finding; they may also request an additional investigation, for which COPA has to determine if one is warranted. If the Chief Administrator and the Superintendent do not agree on the disciplinary action, the Police Board will initiate a review.

City of Chicago Police Board³¹

The Police Board is a separate entity from the CPD and COPA, and decides solely on disciplinary matters involving allegations of misconduct made against officers after investigations done by the other offices. They decide cases when:

- The Superintendent files charges to discharge or suspend an officer for more than 30 days; and
- The Chief Administrator and Superintendent do not agree on an officer's discipline.

Budget³²

Unlike COPA, the Police Board's budget is not dependent on funding for the CPD. The Board's 2020 budget was \$540,410.

Membership

The Board is made up of 9 members who are appointed by the Mayor with the advice and consent of the City Council. Members serve a 5 year term, and may serve a maximum of 10 years. The Mayor is authorized to remove any member after a written notice to the Board and an opportunity for the member to have a hearing before the Mayor. If a member fails to attend 3 or more meetings, the president of the Board can provide notice to the Mayor that there is grounds for termination. The president and vice president are appointed by the Mayor and serve a term that does not exceed 2 years. Meetings shall be held once a month, and occur in a public office with opportunity of attendance by the public. The Superintendent of the CPD, or their designee, and the Chief Administrator of COPA, or their designee, must attend all public meetings, but have no voting privileges.

Authority

Powers of the Board include:

- Nominate 3 candidates to fill a vacancy of the Superintendent position and submit the nominations to the Mayor;
- Adopt rules and regulations for the governance of the CPD; and
- Serve as a board to hear disciplinary actions for which a suspension for more than the 30 days, expressly reserved to the Superintendent, is recommended, or for removal or discharge involving officers and employees of the CPD.

Investigation when disagreement between Superintendent and Chief Administrator arises³³

The process for this investigation goes as follow:

1. One member of the Police Board is randomly selected to conduct the interview;
2. Within 10 days, Board members will review the Chief Administrator's recommendation, the Superintendent's response, and the Chief Administrator's objections;
3. Chosen member may request additional documentation or arguments;
4. Chosen member decides whether the Superintendent met the burden to overcome the Chief Administrator's recommendation;
 - a. If the Superintendent doesn't meet this burden, the Chief Administrator's recommendation shall be deemed accepted; if the recommendation is discharging an officer, a case is to be filed for hearing and consideration by the full Board.
 - b. If the Superintendent meets this burden, their response shall be implemented.
5. Decision announced at the next public meeting and posted on the website.

³¹ [Chicago Police Board. City of Chicago.](#)

³² [2020 Budget Overview. City of Chicago. Page 109.](#)

³³ [Process for Resolving Disagreements. City of Chicago.](#)

Investigation when Superintendent decides to discharge an officer³⁴

If the Superintendent recommends discharge, written charges and specifications are filed with the Board.

1. Charges filed with the Board and immediately served on the accused officer. Charges are posted on the Board's website;
2. Case is assigned to a hearing officer of the Board. The Superintendent is represented by corporate counsel, and the officer is represented by their own attorney;
3. Disciplinary, public hearing at which witnesses testify under oath;
4. Decision based on the evidence presented at the hearing;
5. Final vote at the Board's monthly public meeting and posted on their website.

The role of the Board is to an impartial decision-maker that makes decisions based on evidence made public at the disciplinary hearing. The Superintendent and accused officer have a right to due process, and have the right to present evidence and cross-examine witnesses.

³⁴ [Overview of Discipline. City of Chicago.](#)

Case Study: Atlanta Citizen Review Board, City of Atlanta³⁵

Purpose

The Board investigates and mediates cases of alleged police misconduct by sworn officers of the Atlanta Police Department and the Atlanta Department of Corrections. This impartial body of citizens serves to help insure the highest level of equality under the law for all people by providing a voice to the Atlanta community.

Composition

The Atlanta Citizen Review Board (ACRB) shall be composed of 11 members with 3 year terms:

- One member shall be appointed by the Mayor
- One member shall be appointed by the City Council
- One member shall be appointed by the President of Council
- One member shall be appointed by the Neighborhood Planning Unit (NPU) Group A-F
- One member shall be appointed by the NPU Group G - L
- One member shall be appointed by the NPU Group M - R
- One member shall be appointed by the NPU Group S - Z
- One member shall be appointed from the Gate City Bar Association
- One member shall be appointed from the Atlanta Bar Association
- One member shall be appointed by the League of Women Voters
- One member shall be appointed by the Atlanta Business League
- One member shall be appointed by the Georgia Coalition for the People's Agenda
- One member shall be appointed by the Urban League of Greater Atlanta

All appointments shall be confirmed by the City Council. Areas that should be represented in the Board include civil rights and litigation, community and business leadership, relevant academic expertise, law enforcement. No Board Member shall hold public office or hold employment with the City of Atlanta. The Chair of the Board will be elected by Board members, and the governing rules of the Board conduct will be adopted in the First Meeting. Board members may be compensated fifty (50) dollars for every monthly meeting attended.

Power and Authority

ACRB advises the Mayor, the President of the Council, Council Members, Chief of Police and the Chief of Corrections on policies and actions of the Police and Corrections Department to improve the ability of police personnel to carry out their duties and improve the relationship between the Department, Corrections, and the community. ACRB has the power to conduct investigations and public hearings, and full discretion to select appropriate individual incidents to review and broader issues to study which may be of concern to the community, the Police or Corrections. However, there must be efforts of the Board to minimize overlap of investigations and inquiries with other agencies with jurisdiction over the same matter. ACRB may initiate studies upon request by any member of the public, Police Department, Department of Corrections, or at the Board's own discretion. Board may review any specific complaints or incidents of misconduct against individual police officers including but not limited to those involving language related to race, ethnicity, religion, sexual orientation, gender, or disability. ACRB has full access to relevant Police Department and Corrections personnel for interviews and to relevant documents. ACRB has full subpoena power. ACRB may also operate a mediation program to handle certain complaints against police and corrections officers, to better understand incidents between citizens and officers. The ACRB's recommendations may include general reforms or specific disciplinary actions.

Duties

³⁵ [Atlanta Citizen Review Board, City of Atlanta.](#)

ACRB members shall participate in a minimum of three community outreach activities each calendar year. Any member that does not meet this requirement may be recommended for removal from the Board for neglect of duty. The Executive Director shall maintain a record of Board member community outreach activities. Each Board member shall file a quarterly written report with the Board's appointing entity. ACRB shall report a summary of findings semi-annually to the public safety committee. ACRB must hold all meetings in public except when in the opinion of the Board and in accordance with the Open Meetings Act, executive sessions are required.

Complaint Intake

The complaint must be submitted in writing under oath on a complaint form approved by the Review Board. Complaints must be filed no later than one hundred-eighty (180) days following the date of the alleged infraction. All citizen complaints against officers shall be submitted to the Director, who shall thereafter assign a file number to the complaint, conduct an initial review, make an initial assessment concerning the authority of the Board to conduct an investigation, and submit all such complaints to the Board for their approval. The Complainant shall receive written notice of receipt of the complaint within ten (10) business days of receiving any such sworn and signed complaint.

Review

The staff of the Board will conduct an initial review of the Complaint within sixty (60) days of the receipt of the initial Complaint by the Board. Said initial review may be extended by the Executive Director or the Board for good cause. The parties will be notified in writing of any extension. The Executive Director may initiate a preliminary investigation to assist the Board in making a decision regarding the investigation and adjudication of the complaint. The Complainant and the Officer's Department will be notified of the decision in writing. All Complaints will be recorded in a database maintained by the Director. After consideration, the Board by majority may:

- 1) Dismiss the complaint pursuant to Section 6.0.
- 2) Refer the Complaint to OPS or DOC for an internal investigation;
- 3) Require further investigation of the complaint.

Hearing Procedure

The Board may determine that a Public Hearing be held in the case or may determine that a decision on the matter can be rendered without a Public Hearing. The decision to conduct a hearing will require a majority vote of the Board.

Investigation

The ACRB investigative process flows as follows: complaint received, assessment of complaint, information and evidence collection, complainant, officer and witness interviews, written summary, Executive Director review, Board Review scheduled, Board Review, Board Decision, and then decision forwarded to Chief.

Case Study: Berkeley, CA³⁶

Police Review Commission³⁷

Purpose

The purpose of the Commission is to provide for community participation in setting and reviewing police department policies, practices and procedures and to provide a means for prompt and impartial investigation of complaints against the Berkeley Police Department.

Composition

The Commission consists of nine members appointed by each Council member. All members shall be residents of the City of Berkeley, and no officer or employee of the City shall be appointed to the Commission. The Commission shall elect a Chairperson and Vice-Chairperson, who hold office for one year. The commission members receive \$3/hour for their work, but the total shall not exceed \$200/month.

Meeting

The commission shall meet at least once every two weeks and as frequently as workload requires. Special meetings may be called by the Chairperson or by three members of the Commission and the other members must be notified 36 hours prior to the meeting. All meetings must be publicized in advance and notice shall be given to the residents of the City. All meetings shall be open to the public unless the Commission decides to keep the meeting closed for the privacy of the parties concerned.

Powers and Duties

The Commission shall have powers to advise and make recommendations to the public, the City Council, and the City Manager concerning all written and unwritten policies, practices, procedures of all kinds in relation to the Berkeley Police Department. Some of the examples are;

- Treatment of rape victims
- Police relationship with minority communities
- Use of weapons and equipment
- Hiring and training
- Priorities for policing and patrolling
- Budget development

The Commission may receive and investigate any complaints against the Police Department, any of its officers and employees. The Commission also has a subpoena power.

Complaints

A complaint must be filed within 90 days of the alleged misconduct, unless the person was unable or prevented from filing a complaint. If the Complaint is the subject of a criminal proceeding, then the criminal matter must be resolved before the complaint can be heard. If the complainant is unavailable, and a sworn officer or employee of Berkeley Police Department is involved in a death, five Commissioners may vote to authorize an investigation.

Complaints must allege facts that, if true, would establish misconduct. Policy complaints can be brought to the Commission for discussion or action, if the majority of the Commission feels that policy review is warranted then they may investigate such policy or form a subcommittee for the review.

³⁶ Please note that there is also a UC Berkeley Campus Police Review Board, but for the purposes of staying relevant, it is not included here. More information can be found [here](#). This may become relevant upon the completion of the Virginia Tech Campus.

³⁷ [Police Review Commission, City of Berkeley.](#)

Investigation

The investigation shall consist of conducting interviews of all parties and witnesses and collecting relevant evidence. The Commission shall make an effort to complete the Report of Investigation within 80 days of filing. The investigation must be complete within one year, if not the case shall be submitted to the Commission to be closed unless an exception applies.

Board of Inquiry (BOI)

If both the complainant and the subject officer waive their right to a hearing, the Board of Inquiry may issue its findings based on evidence and interviews. The Board of Inquiry shall consist of 3 Commissioners and one designated Chairperson. In cases involving death, the cases shall be determined by a vote of 6 Commissioners. Commissioners shall volunteer for dates upon which hearings have been scheduled and keep record of cases heard by each Commissioner. A complainant may challenge a Commissioner, who may be replaced by another Commissioner, if necessary (Section VI (c)).

Hearings

The Chief of Police, or his designee shall provide the Commission with the Officer's schedule prior to the scheduling of the hearing. No later than 10 days prior to the hearing all parties should be notified of the date, time and location of the hearing, and the composition of the BOI. All hearings shall be closed to the public, and all Commissioners may be present for the entire hearing process. An attorney or other person acting on behalf of the parties can participate in the hearing. However, a representative is not required. All witnesses and officers will testify separately. During the hearing any relevant evidence shall be admitted.

Findings

After the hearing is concluded, the Board will deliberate and take action by a majority vote of those Commissioners present. The standard of proof for a complaint is that it will be sustained unless proven by clear and convincing evidence. Clear and convincing is more than a preponderance of the evidence but less than beyond a reasonable doubt.

If the evidence shows that the alleged conduct did not occur, the finding shall be "Unfounded." If the evidence fails to support the allegation but cannot be shown as false it will be a finding of "Not Sustained." If the evidence shows that the alleged act did occur, but was lawful, justified or proper, then the finding will be "Exonerated." If the evidence shows that the alleged act did occur and the action was not justified, the finding shall be "Sustained." The finding shall be in writing and all parties shall be informed within 7 days of the hearing. Any party may petition for a rehearing, which may be granted if the applicant establishes that there is newly discovered material evidence that with reasonable diligence could not have been discovered and produced at the hearing, or there was a procedural error that affected the outcome.

Case Study: Police Review and Advisory Board, City of Cambridge, MA³⁸

Purpose

The goal of the Board is to allow for citizen participation in reviewing Police Department policies, practices, and procedures, and to provide a prompt and fair investigation of complaints against employees of the CPD.

Budget

The Board's 2020 budget was \$6,300.³⁹

Functions

The Board's duties include:

- The Chief of Police in collaboration with the Board shall establish policies, rules, and regulations for the CPD;
- The Board and City Council review the CPD's budget before it's submitted to the City Manager;
- The Board receives and resolves complaints concerning the operations of the CPD;
- The Board makes recommendations to the Chief of Police and City Manager in matters concerning the discipline of employees of the CPD;
- The Board makes quarterly reports to the City Manager, Mayor, City Council, and public of the CPD's activities during the previous year, including handling of complaints and future plans. The final disposition of complaints shall be made public; and
- The Board, with assistance and approval from the City Solicitor, has the power to subpoena witnesses, administer oaths, take testimony, and require the production of evidence.

Membership

The Board is composed of 5 Cambridge residents appointed by the City Manager and serve a 5 year term, with no more than 2 consecutive terms being served. The City Manager shall make every effort to appoint individuals that accurately represent the City's racial, social, and economic composition. The members may hold any other position for the City, nor can they be the immediate family member of a City's employee. No member shall have been a City employee within 2 years of their appointment to the Board. The Chairperson is elected annually by the Board. Meetings occur at least once a month and at the call of its Chairperson, and all meetings are public except when the Board meets in executive session in private.

Complaints

A civilian complaint is filed with either the CPD or the Board. Complaints filed with the CPD are investigated by the Chief of Police, who files a report of findings to the Board within 30 days. Complaints filed with the Board are preliminary investigated by the investigative staff. The purpose of preliminary investigations is to determine if there is sufficient evidence to warrant a full investigation of the allegations made, and shall be completed in 10 days, unless additional time is needed, in which a preliminary investigation cannot extend 30 days. At the completion, the Board will decide if there is enough evidence to warrant a full investigation, and if not, the complaint will be dismissed.

If a hearing is warranted, the Board may choose to review the matter itself or refer it to a fact finder, who is an attorney, with the assistance and approval of the City Solicitor, with the power to subpoena witnesses, administer oaths, take testimony, and require the production of evidence. After a hearing, the fact finder shall, within 30 days, submit their findings to the Board, who will, within 30 days, make a recommendation to the City Manager of any

³⁸ [Municipal Ordinance, City of Cambridge.](#)

³⁹ [2020 Adopted Budget, City of Cambridge, Pg. 224.](#)

discipline to be imposed. The parties to any hearing are the complainant and the employee, as well as their counsel, and a representative of the City Solicitor's office shall be present at any hearing before the Board.

Discipline

Possible disciplinary action to occur includes:

- Manual discipline: the Chief of Police, in consultation with the Board, shall adopt a manual of rules and regulations for the CPD. the manual shall define categories of major and minor offenses, and shall set forth the maximum and minimum penalties for each offense. The offenses and penalties shall not be defined in a manner that is inconsistent with the existing civil service laws;
- Summary discipline: the Chief of Police may implement summary discipline for a minor offense;
- General discipline: the Chief of Police shall recommend to the City Manager the discharge or indefinite suspension of any employee of the CPD for a major offense.

Case Study: Iowa City Community Police Review Board⁴⁰

Purpose

Community Police Review Boards are intended to provide a communal authority that oversees the actions of police officers, foster a culture of public trust, and maintain a safe community. The basis of founding a CPRB is related to a state's home rule authority provisioned in (section 372.1 of the Code of Iowa) that allowed for a city to choose from amongst 8 possible forms of municipal government. Furthermore, as accorded by choosing the municipal government of a city home rule charter, the community police review board is subject to the duties and limited powers set within (Ord. 15-4627, 6-16-2015).⁴¹

Meeting

Operating in response to a complaint review process the CPRB of Iowa City, established in 1997, meets every second tuesday of each month.⁴²

Membership

The Board consists of five members appointed by the City Council, all chosen from eligible citizens of the Iowa City electorate. The members of the CPRB shall serve without compensation and should reflect the representation of diversity within the community. Due to the nature of the board in overseeing and reviewing the actions of police, Iowa City found it applicable to appoint a former officer to the board. However the appointed former officer must not have been employed by the City of Iowa City as such within 5 years.

The City Council reserves the right to waive the residency requirement for this board and to waive the requirement of inclusion of a former police officer. Following official adoption and publication of the ordinance, the inaugural members shall be appointed for staggered terms as follows: one person appointed for a two year term, two persons appointed for three year terms, and 2 persons appointed for 4 year terms. After these initial appointments, the set terms will be for 4 years universally. In preparation for the position, training is made available to the board members ranging from training on Iowa's Public Records to Open Meetings Laws.

Powers/Authority

In regards to the Community Police Review Board, there are limited powers and duties accorded. The board by a simple majority vote may file a complaint and may decide which level to review the report of the City Manager or Police Chief. Their powers are purely civil and administrative in nature and have no power or authority over criminal matters as the intent is not to operate as a court of law. The Board also has no power to review police officer personnel records or disciplinary records unless these articles are made public by the City Manager or are subject to an enforceable subpoena. In fulfillment of its review and subsequent duties, the Board may obtain outside counsel or independent investigators, and request that City Council hold general informational hearings regarding Police Department procedures, policies, and practices (Ord. 13-4555, 9-17-2013).⁴³

Reporting

The goals of the Community Police Review Board is to conduct fair and accurate investigations into inappropriate conduct by police officers. These investigations will be gathered and established in an annual reporting system so as to provide the City Council with sufficient information to assess yearly performance of the Police Department. However, to be party to any investigation into misconduct any complaint must be processed with the Board, while any complaints made with the police department are "briefly" reported to the Board by the Police Chief as to the

⁴⁰ [City Codes, Section 8-8-1 to 8-8-10. City of Iowa City.](#)

⁴¹ [City Charter, City of Iowa City.](#)

⁴² [Community Police Review Board. City of Iowa City.](#)

⁴³ [City Charter. City of Iowa City.](#)

nature of the allegations. Following a registered complaint against an officer, the Board will oversee a monitoring system for tracking the receipt of formal complaints lodged against sworn officers. This insures oversight of police investigations and sustains the review of these investigations. After a thorough investigation the Board issues a public report to the City Council on each complaint that submits factual findings and a conclusion that explains why the complaint was either “sustained” or “not sustained”. Regardless of these conclusions, the findings will not be used in any other legal proceeding, and the disciplinary response to the complaints are left to the discretion of the City Manager and Police Chief, who must also submit a mandatory, full report of investigation into each complaint filed with the Board with the conclusion of “sustained” or “not sustained”. To maintain transparency and communication with the community, the Board will hold at least one forum to hear recommendations on the practices, procedures, and policies of the police department and submit the recommendations to the City Manager, Police Chief, and City Council.

Review

The actual review by the Board follows a strict procedure. Any complaint received is to be filed within 90 days of the alleged misconduct and then a copy of said complaint is forwarded to the Police Chief for Internal Affairs investigation. The Police Chief then has ninety days to write a full report with a conclusion that is sent to all applicable parties. Then the report will be reviewed by the Board, which may request additional investigation, but if not, the Board is required to write a detailed report with their official conclusion. Depending upon the Board’s consideration of the reports from the police department, post a simple majority vote, they may choose to pursue one of the following review:

- on the record with no additional investigation, interview/meet with complainant,
- interview/meet with named officer(s) and other officers,
- request additional investigation by the Police Chief or City Manager, or request police assistance in the board's own investigation,
- perform its own investigation with the authority to subpoena witnesses, hire independent investigators.

And yet in their review the Board must apply a “reasonable basis” standard of review, which requires deference to the City Manager’s or Police Chief’s report, because of professional expertise. Disagreements regarding actionable items in the review of reports must be discussed in a private, closed session prior to the Board’s public report to the City Council with their findings. The annual reporting provided by the Board for public perusal demonstrated an inclination of deference to the report of the police department.⁴⁴

⁴⁴ [Annual Report, City of Iowa City, Pages 1-2.](#)

Considerations for the City of Alexandria Community Police Review Board:

Considerations	
Board members shall be appointed by and report directly to the City Council.	✓
Voting board members shall not be currently employed by the City of Alexandria nor previously employed by the Alexandria Police Department or any other law enforcement agency in the past ten years.	✓
Composition of board shall include: <ul style="list-style-type: none"> - voting community members reflective of the City’s diversity; <ul style="list-style-type: none"> - representation from historically disadvantaged communities; - geographical representation - non-voting community member(s) who are former law enforcement or have policing expertise; and - chairperson shall be an experienced community member 	✓
Board shall be provided with an Independent Investigator-Auditor that reports directly to the Board and City Council.	✓
Board shall receive an annual budget for staffing and operational costs.	✓
Board members shall participate in training within six months of their appointment.	✓
Board shall receive community complaints of all law enforcement agencies on abuse of power and serious misconduct which includes: <ul style="list-style-type: none"> - application or use of unnecessary, unreasonable, or excessive use of force; - the use of abusive racial, ethnic or sexual language, remarks, or gestures; - harassment or discrimination based on race, color, sexual orientation, gender identity, transgender status, religion, national origin, ancestry, marital status, age, familial status, immigration status or disability; - acting in an angry, retaliatory or threatening manner not necessary for self-defense; - reckless endangerment of detainee or person in custody; - violation of laws or ordinances; and - other violations contrary to the community and public interest or the City of Alexandria or the Alexandria law enforcement policies, procedures, or laws, that occur both on and off duty. 	✓
Filed complaints shall include: <ul style="list-style-type: none"> - name of complainant; - date, time, location, and circumstances of offense; - name of law enforcement officer(s) allegedly involved or other relevant information to reasonably identify the officer(s); and - explanation of conduct deemed to be unlawful or wrongful. 	✓
Complaintant shall have the option to submit complaints anonymously.	✓
Complaint intake shall be received through a variety of avenues including, but not limited to, social media postings, Alex311 submissions, emails to Council members, and in person submissions.	✓
Board shall receive complaints submitted within three years of the incident date.	✓
Board shall have the discretion to launch independent fact-finding investigations in response to complaints submitted.	✓

Board shall have the authority to launch independent fact-finding investigations concurrent to criminal and internal affairs investigations.	✓
Board shall be notified within 24 hours if the following occurs: <ul style="list-style-type: none"> - an officer’s weapon was discharged, regardless of whether an injury occurs; - discharge of a weapon resulted in injury or death; - injury or death occurs in police custody; and - a complaint is submitted to a law enforcement agency. 	✓
Board shall have discretion to launch independent fact-finding investigations, where no complaint was submitted, if the above expressed points occur, if suspected intimidation has prevented a victim from coming forward, if there are patterns of police misconduct, or if there is a majority vote by the Board.	✓
Board members shall be provided with and receive access to unredacted information that includes: <ul style="list-style-type: none"> - a law enforcement database that includes an officer’s complaint and misconduct history, as needed; - a complete copy of the internal affairs investigation conducted; and - reports of disciplinary actions. 	✓
Board shall have authority to issue subpoenas, administer oaths, take testimony, and require the production of evidence.	✓
Board shall comply with <i>Garrity v. New Jersey, 385 U.S. 493 (1967)</i> and provide Garrity warnings.	✓
With respect to investigations, the Board shall recommend the following to City Council: <ul style="list-style-type: none"> - the limitations of an officer’s duties if they are under investigation proceedings (within 10 days of complaint submission); - findings on investigations (within 45 days of complaint submission but to be extended upon approval of the Board); and - disciplinary recommendations (within 45 days of complaint submission but to be extended upon approval of the Board). 	✓
Board shall submit a report of findings and recommendations to the City Council within five days of completed deliberations.	✓
Board shall attend disciplinary hearings, where applicable.	✓
Board meetings and hearings shall be made public so long as there are no privacy concerns. The final decision and discussion transcript(s) shall be made public.	✓
Board shall have discretion to reopen previously closed cases if new evidence emerges that alters the original findings or the handling of the original investigation was a miscarriage of justice.	✓
Board shall perform data-driven policy evaluations and make recommendations on law enforcement policies, procedures, and practices to the City Council.	✓
Board shall have authority to participate in union contract negotiations.	✓
Board shall have authority to review law enforcement agencies’ annual budgets prior to adoption.	✓
Board shall file and present to the City Council an annual report of that includes: <ul style="list-style-type: none"> - overview of complaints received during the calendar year (amount, findings, statistical analysis); - summary report of complaint conclusions and discipline imposed; - outcomes of independent investigations; 	✓

<ul style="list-style-type: none"> - overview of proposed policy recommendations and outcomes; - summary of all activities; and - other relevant information. 	
<p>City Council shall review the structure and function of the Board 12-18 months following the adoption of the ordinance establishing the Board.</p>	✓



**COUNCILMAN MO SEIFELDEIN
INVITES YOU TO:**

**Virtual Town Hall on
Alexandria's Community
Police Review Board**

OFFICE OF COUNCILMAN MOHAMED E. "MO" SEIFELDEIN

TUESDAY, AUGUST 11, 2020

7:00PM

Background on Community Police Review B



The Need for Community Police Review Boards

- Over the last several decades, repeated issues of trust, accountability, and transparency have moved to the forefront of the relationship between community and police.
- Instances of police brutality and abusive conduct against Black, Brown, and historically disadvantaged and marginalized community members have surfaced to dominate the conversation of policing in modern America.
- This pattern of violent abuse towards the Black and Brown community is not a distortion of policing, it is constituted in its foundation.
- To mitigate this, greater oversight functions were introduced in tandem with organizational mechanisms dedicated to reviewing and improving police conduct.



History of Police Review Boards

- Police review boards became a necessity starting during the Civil Rights Movement as racial tensions between Black Americans and law enforcement were at an all-time high.
- Majority of police boards came into fruition in the 1970s as Black people gained political power, and high profile cases of police misconduct highlighted the need for citizen oversight.
- Currently, there are around 150 jurisdictions in the nation with police review boards:
 - Three in the Commonwealth of Virginia
 - Fairfax County, City of Virginia Beach, and City of Charlottesville
 - Two in the State of Maryland
 - City of Baltimore and Prince George's County
 - One in the District of Columbia



Types of Police Review Boards

Generally, there are three models of Police Review Boards:

1. Investigative focused:
 - Citizens investigate allegations of police misconduct and recommend their findings to the Chief of Police or Sheriff
2. Review-focused:
 - Law enforcement investigates allegations and develops findings; citizens review and recommend that the Chief or Sheriff approve or reject the findings
3. Auditor-focused:
 - An auditor investigates the process by which the police or sheriff's department accepts and investigates complaints and reports on the thoroughness and fairness of the process to the department and the public



City of Alexandria Policies & Procedures

- Office of External Affairs and Professional Responsibility handles investigations of the Alexandria Police Department.
- Bias Policing Hotline.
- No community police review board in Alexandria.
- Human Rights Commission does not have independent authority to investigate misconduct.
- Human Rights Commission is limited to the City Human Rights Code which covers complaints of discrimination on the basis of race, color, sex, religion, ancestry, origin, marital status, age, sexual orientation, gender identity, transgender status, and disability.

City of Alexandria Statistics

Annual Statistical Overview – Complaints Against Police Employees

Calendar Year	2019	2018	2017	2016	2015
Total Internal Investigations ¹	91	125	121	91	91
Sustained Complaints (All) ²	73	114	119	78	64
Formal Citizen Complaints ³	19	35	10	18	31
Sustained – Conduct Toward Citizens ⁴	5	1	5	6	18
Calls for Service ⁵	80,928	82,548	91,380	68,610	70,255
Persons Arrested ⁶	4,316	4,652	4,754	3,715	4,013

For additional information, please contact the Office of External Affairs and Professional Responsibility at 703-746-6767.

Updated: April 17, 2020

¹ Formal investigations and inquiries into the conduct of Police employees does not include use of force investigations, where a policy violation is suspected.

² A finding of policy violation(s) may not necessarily be the original allegations in the case. Many investigations have multiple policy violations.

³ Reflects the number of complaints brought from persons or groups outside the Police Department.

⁴ Allegations of rudeness, lack of courtesy or treatment of others, excessive force, biased policing, harassment, etc.

⁵ Reflects the total number of calls where officers responded to service calls, CY2017 to current includes traffic stops, subject stops, and flag downs.

⁶ Adults and juveniles charged with one or more criminal offense, taken into custody and/or released on a summons. The previous year data were updated in 2020 to reflect the actual number of individuals detained and charged with a criminal offense.



Resolution No. 2956 *“Establishing a Community Police Review Board and Condemning Systemic Racism”*

- Sponsored by Councilman Seifeldein
- Unanimously adopted at the June 9 Legislative Meeting
- Acknowledges the murder of George Floyd and condemns police brutality and racism
- Addresses the urgent need for police body cameras and demographical data collection on police encounters, commits to exploring 21st century public safety models, and that Black Lives Matter
- Calls on state and federal officials to pass legislation prohibiting the militarization of law enforcement, and reforming the criminal justice system and police immunity laws
- Directs City Manager and City Attorney to return to Council on the September 8 Legislative Meeting with a proposal to establish a community police review board



Memorandum on 21st Century Public Safety Models

- Discussed at the June 23 Legislative Meeting
- Pursuant to Res. 2950, this memorandum directs City Staff to return to Council within 120 days with preliminary findings on new approaches to community safety that involves unarmed crisis professionals answering non-criminal and non-violent 911 calls
- Innovative approaches may include:
 - Prioritizing non-law enforcement responses to homelessness, public gatherings, after-hours construction, quality of life complaints, and more
 - Creation of a mobile crisis unit trained in managing suicide prevention and intervention, domestic disputes, substance abuse, mental wellness calls, and more

Public Engagement

- Since the passage of Res. 2950, Councilman Seifeldein has met with local advocacy groups and community members for feedback and input
- Councilman Seifeldein intends to share his findings with City Staff for incorporation
- City Staff are drafting a proposal for Council to consider on the September 8th Legislative Meeting
- Council will then provide direction to Staff
- City will also reach out the public for engagement and feedback
- Public Hearing and vote after community feedback

Police Review Boards in the Commonwealth of Virginia



Fairfax County, Virginia

- Fairfax has a Police Civilian Review Panel and an Independent Police Auditor
- Office of Independent Police Auditor established in 2016
- The nine-member Police Civilian Review Panel was established in 2016
 - At least one member must have prior law enforcement experience other than as a member of the Fairfax Police Department or Fairfax Sheriff's Office
- Authority of the Panel:
 - Review investigations to ensure thoroughness, completeness, accuracy, objectivity, and impartiality;
 - Provide an independent process for reviewing a complaint made against the FCPD or its officers; and
 - Make recommendations on law enforcement policies to the Chief of Police and Board of Supervisors



Fairfax County, Virginia

- The Panel shall not review:
 - Alleged misconduct that is subject to exclusive review by the Auditor;
 - Complaints on incidents occurring prior to Dec. 6, 2016
 - Initial complaints made 1 year after the incident in question has occurred, unless there is good reason to bypass this limitation;
 - Review Requests filed more than 60 days after the FCPD notified the complainant that their investigation is completed, unless there is good reason to bypass this limitation; or
 - Complaints concerning matters subject to a pending civil or criminal proceeding in any trial court, or an administrative proceeding



Fairfax County, Virginia

- The Panel reports directly to the Board of Supervisors, to whom they offer their findings on investigations conducted by the Fairfax County Police Department
 - The Panel is limited to review of FCPD's investigations in cases involving 'alleged abuse of authority' or 'serious misconduct' by an officer when a civilian complaint is made
- The Panel receives complaints and then forwards complaints to the FCPD for their investigation
- After which the Panel will either:
 - Concur with the initial findings;
 - Advise that further review is needed by the Chief; or
 - Recommend that the investigation is incomplete and an additional one is needed



Fairfax County, Virginia

- The Panel may not take testimony or receive evidence
- The Panel may recommend to the Board of Supervisors and Chief of Police that the FCPD's policies and procedures need revision
- The Fairfax County Independent Police Auditor:
 - Monitors and reviews internal investigations of the FCPD of officer-involved shootings, in-custody deaths, and use of force in which an individual is killed or seriously injured
 - Monitors and reviews administrative investigations of public complaints of use of force
 - Issues a public report for reviewed internal investigations and produces annual reports
 - Makes public recommendations concerning revisions of FCPD policies, training, and practices
 - Provides administrative support to the Panel and delivers the Panel's annual report to the Board of Supervisors



Fairfax County, cont.

- The Civilian Review Panel is to be supported primarily by the staff of the Office of Independent Police Auditor
 - Other associated costs may include Police Department, County Attorney's Office, independent counsel, staff time and any required materials and supplies for the Panel
- Fairfax's FY2021 Budget Overview:

Population	Annual Budget	Police Budget	Sheriff's Budget	Panel's Budget	Auditor's Budget
1,172,398	\$1,628,630,153	\$214,788,028	\$72,826,370	\$69,812 (2019)	\$328,198



City of Charlottesville, Virginia

- The eight-member Police Civilian Review Board was established in 2018
 - One non-voting member who has police experience or expertise
 - Three members must come from historically disadvantaged communities or public housing
 - One member shall represent an organization, office, or agency that seeks racial/ social justice
 - Appointed by City Council
- Executive Director appointed by City Manager and reports to City Manager
- Duties include:
 - Processing complaints, reviewing police practices and internal investigations, issuing findings, writing public reports, and making recommendations



City of Charlottesville, Virginia

- The Board may review Charlottesville Police Department's investigations where:
 - The CPD has completed an internal affairs investigation of an officer and has produced a finding on unfounded, exonerated, or not resolved; and
 - A Review Request is filed with the Board's Executive Director
- The Board reports to the City Manager and the CPD with findings from their independent Review Request investigation
 - The Board offers recommendations on proposed amendments to existing CPD policies, or they may recommend their own to the Chief of Police
- The Board receives complaints then forwards complaints to the CPD for their investigation, after which the Board will conduct their own review depending on the CPD's findings or if a Review Request is filed, and will then make their recommendations to the City Manager and CPD

City of Charlottesville, Virginia

- The Board may not review:
 - Complaints on incidents that occurred prior to Nov. 4, 2019 — the adoption of the by-laws;
 - Any complaint filed more than 1 year after the date of the incident in question;
 - Review Requests filed more than 75 days after the CPD notified the complainant that their investigation is completed, unless there is good reason to bypass this limitation;
 - Review Requests concerning matters subject to a pending civil or criminal trial proceeding, or a City grievance proceeding including an appeal pursuant to the Virginia Law Enforcement Officers Procedural Guarantee Act; or
 - Any portion of an internal investigation that is sustained



City of Charlottesville, Virginia

- The Board has access to materials or evidence used by the CPD during its internal investigation, the subject officer's complaint and disciplinary record, and raw and aggregated data on timing, findings, and dispositions
- The Board may not subpoena witnesses or evidence, nor take testimony under oath
- No independent investigatory power
- Charlottesville's FY2021 Budget Overview:

Population	Annual Budget	Police Budget	Sheriff's Budget	Panel's Budget
49,132	\$191,195,873	\$18,017,555	\$1,275,198	\$150,000



City of Virginia Beach, Virginia

- The five-member (and two alternates) Investigation Review Panel was established in 1991
- Appointed by City Council but Report to the City Manager
- The Panel is an extension of the City's Human Resource Department
 - The City Attorney, or their designees, shall serve as legal advisor to the Panel, while the Department of Human Resources can provide administrative support
- The Panel has the authority to review any Virginia Beach Police Department's internal investigations of abuse of authority or serious misconduct through a Review Request
- The Panel also has authority to recommend that the City Manager revises Department's policies and procedures



City of Virginia Beach, Virginia

- A Review Request is made to the Panel after the completion of the VBPD's investigation, after which a Panel hearing will be held to determine if:
 - Concur with the initial findings;
 - Advise the City Manager that the findings are not reasonably supported by the available information, or the investigation is incomplete; or
 - The complaint is not appropriate for the Panel to review
- The Panel may not review:
 - A Review Request in which the Panel votes that the complaint is not appropriate for their review;
 - A complaint concerns matters that are pending in a criminal or civil proceeding; or
 - A complaint concerns discipline covered by the City's Disciplinary Policy and Procedure Grievance Procedure
- The Panel has access to all relevant documents from the VBPD's investigation



City of Virginia Beach, Virginia

- Virginia Beach’s budget overview:

Population	Annual Budget	Police Budget	Sheriff’s Budget	Panel’s Budget *through HR*
450,000	2,086,059,932	\$106,609,104	\$50,832,987	n/a

Police Review Boards in Comparable Jurisdictions



City of Berkeley, California

- The nine-member Police Review Commission was established in 1973
 - Three members make up the The Board of Inquiry who hear testimonies during the investigation and submit their findings to the City Manager and Chief of Police, who decide on any disciplinary action
- The Commission has the authority to to advise and make recommendations to the public, the City Council, and the City Manager concerning all Berkeley Police Department policies and procedures
- The Commission receives and investigates complaints alleging misconduct made by civilians against BPD officers
- Complaints must be filed within 90 days of alleged misconduct
 - Six member consensus needed if more than 90 days
 - No complaints considered after 180 days



City of Berkeley, California

- The Commission has independent investigative authority
- If there is an officer-involved death, five members of the Commission have to vote in favor of opening an investigation, even if no complaint was made
- The Commission has subpoena power and access to all relevant evidence
- If a complaint is the subject of a criminal proceeding, the criminal matter must be resolved before the complaint can be heard
- Commission shall have access to unredacted police reports from the Police Department



City of Berkeley, California

- Post investigation:
 1. If the evidence shows that the alleged act did not occur, the finding shall be "Unfounded."
 2. If the evidence fails to support the allegations, but the allegations cannot be shown as false, the finding shall be "Not Sustained."
 3. If the evidence shows that the alleged act did occur, but was lawful, justified, and proper, the finding shall be "Exonerated."
 4. If the evidence shows that the alleged act did occur and the action was not justified, the finding shall be "Sustained."
- Findings submitted to City Manager and Chief of Police



City of Berkeley, California

- Commission members receive compensation that shall not exceed \$200/month
- Berkeley's FY2020 & FY2021 Biennial Budget Overview:

Population	Annual Budget	Police Budget	Commission's Bud
121,363	\$398,595,612	\$77,223,242	\$795,021



City of Cambridge, Massachusetts

- The five-member Police Review and Advisory Board was established in 1984
- The Board has the authority to:
 - Establish policies and regulations for the Cambridge Police Department in collaboration with the Chief of Police;
 - Conduct investigations of complaints against CPD officers;
 - Develop programs and strategies to promote positive police and community relations; and
 - Review the CPD's annual budget before it is submitted to the City Manager
- Board has authority to appoint Investigator and Investigatory Staff



City of Cambridge, Massachusetts

- Complaints can either be submitted to the CPD or the Board
- CPD sends complaints to Board
 - CPD and Board conduct separate investigations simultaneously
 - Complaints filed with the Board are preliminary investigated by the investigative staff to determine if there is sufficient evidence to warrant a full investigation. If a hearing is warranted, the Board may choose to review the matter itself or refer it to a fact finder, who is an attorney. After the hearing, the fact finder shall submit its findings to the Board, who will make a recommendation to the City Manager of any discipline to be imposed.
- The Board, with the assistance and approval of the City Solicitor, shall have the power to subpoena witnesses, administer oaths, take testimony and require the production of evidence.



City of Cambridge, Massachusetts

- The Board makes recommendations to the Chief of Police and City Manager in matters concerning the discipline of employees of the CPD
- The Board, with the assistance and approval from the City Solicitor, has the power to subpoena witnesses, administer oaths, take testimony, and require the production of evidence
- Complaints must be made within 60 days of the date of the incident
 - This may be overridden if there is good reason made for the late filing
- Cambridge's budget overview:

Population	Annual Budget	Police Budget	Board's Budget
118,927	\$715,264,225	\$65,925,945	\$6,300

Common Themes of Community Police Review Boards

- Report directly to City Manager or Chief of Police
- Diversity of board members is prioritized
- Some have voting and non-voting members
- Investigative authority weak
 - Often limited to review of investigations but no discretion on launching investigations
 - Cannot investigate concurrent to criminal or internal affairs investigations
- Lack of subpoena power
- Some can provide recommendations on police department policies and procedures
- Statute of limitations is often very short
- Small budget

Considerations for the City of Alexandria Community Police Review Board



Considerations

Board members shall be appointed by and report directly to the City Council.	✓
Voting board members shall not be currently employed by the City of Alexandria nor previously employed by the Alexandria Police Department or any other law enforcement agency in the past ten years.	✓
Composition of board shall include: <ul style="list-style-type: none">- voting community members reflective of the City’s diversity;<ul style="list-style-type: none">- representation from historically disadvantaged communities;- geographical representation- non-voting community member(s) who are former law enforcement or have policing expertise; and- chairperson who has legal experience relevant to the performance and duties of the Board.	✓
Board shall be provided with an Independent Investigator-Auditor that reports directly to the Board and City Council.	✓
Board shall receive an annual budget for staffing and operational costs.	✓
Board members shall participate in training within six months of their appointment.	✓



Considerations

Board shall receive community complaints of all law enforcement agencies on abuse of power and serious misconduct which includes:

- application or use of unnecessary, unreasonable, or excessive use of force;
- the use of abusive racial, ethnic or sexual language, remarks, or gestures;
- harassment or discrimination based on race, color, sexual orientation, gender identity, transgender status, religion, national origin, ancestry, marital status, age, familial status, immigration status or disability;
- acting in an angry, retaliatory or threatening manner not necessary for self-defense;
- reckless endangerment of detainee or person in custody;
- violation of laws or ordinances; and
- other violations contrary to the community and public interest or the City of Alexandria or the Alexandria law enforcement policies, procedures, or laws, that occur both on and off duty.





Considerations

<p>Filed complaints shall include:</p> <ul style="list-style-type: none">- name of complainant;- date, time, location, and circumstances of offense;- name of law enforcement officer(s) allegedly involved or other relevant information to reasonably identify the officer(s); and- explanation of conduct deemed to be unlawful or wrongful.	✓
<p>Complainant shall have the option to submit complaints anonymously.</p>	✓
<p>Complaint intake shall be received through a variety of avenues including, but not limited to, social media postings, Alex311 submissions, emails to Council members, and in person submissions.</p>	✓
<p>Board shall receive complaints submitted within three years of the incident date.</p>	✓



Considerations

Board shall have the discretion to launch independent fact-finding investigations in response to complaints submitted.	✓
Board shall have the authority to launch independent fact-finding investigations concurrent to criminal and internal affairs investigations.	✓
Board shall be notified within 24 hours if the following occurs: <ul style="list-style-type: none">- an officer's weapon was discharged, regardless of whether an injury occurs;- discharge of a weapon resulted in injury or death;- injury or death occurs in police custody; and- a complaint is submitted to a law enforcement agency.	✓
Board shall have discretion to launch independent fact-finding investigations, where no complaint was submitted, if the above expressed points occur, if suspected intimidation has prevented a victim from coming forward, if there are patterns of police misconduct, or if there is a majority vote by the Board.	✓

Considerations

Board members shall be provided with and receive access to unredacted information that includes: <ul style="list-style-type: none">- a law enforcement database that includes an officer's complaint and misconduct history, as needed;- a complete copy of the internal affairs investigation conducted; and- reports of disciplinary actions.	✓
Board shall have authority to issue subpoenas, administer oaths, take testimony, and require the production of evidence.	✓
Board shall comply with <i>Garrity v. New Jersey, 385 U.S. 493 (1967)</i> and provide Garrity warnings.	✓
With respect to investigations, the Board shall recommend the following to City Council: <ul style="list-style-type: none">- the limitations of an officer's duties if they are under investigation proceedings (within 10 days of complaint submission);- findings on investigations (within 45 days of complaint submission); and- disciplinary recommendations (within 45 days of complaint submission).	✓
Board shall submit a report of findings and recommendations to the City Council within five days of completed deliberations.	✓



Considerations

Board shall attend disciplinary hearings, where applicable.	✓
Board meetings and hearings shall be made public so long as there are no privacy concerns. The final decision and discussion transcript(s) shall be made public.	✓
Board shall have discretion to reopen previously closed cases if new evidence emerges that alters the original findings or the handling of the original investigation was a miscarriage of justice.	✓
Board shall perform data-driven policy evaluations and make recommendations on law enforcement policies, procedures, and practices to the City Council.	✓
Board shall have authority to participate in union contract negotiations.	✓
Board shall have authority to review law enforcement agencies' annual budgets prior to adoption.	✓



Considerations

<p>Board shall file and present to the City Council an annual report of that includes:</p> <ul style="list-style-type: none">- overview of complaints received during the calendar year (amount, findings, statistical analysis);- summary report of complaint conclusions and discipline imposed;- outcomes of independent investigations;- overview of proposed policy recommendations and outcomes;- summary of all activities; and- other relevant information.	✓
<p>City Council shall review the structure and function of the Board 12-18 months following the adoption of the ordinance establishing the Board.</p>	✓

Questions, Comments, or Feedback?

Please use the 'raise my hand' option on Zoom.

Thank you for joining us!

Contact us at mo.seifeldein@alexandriava.gov.

Community Feedback From Town Hall:

- These considerations were applied based on community feedback.
 - The position of Chairperson should not be limited to a practicing attorney
 - If they are an attorney, they should not be representing the review board
 - Chairperson should be experienced community member
- Engage with public defenders for feedback
- 45 days for investigation may be too limiting (TBD)
 - Board should allow for flexibility if investigation requires more time
- State law on data collection should be reexamined when considering a local ordinance
- Strong support for subpoena power
- Strong support for diversity